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CENTRAL ADMINISTRATIVE TRIBUNAL

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Original Application No. 1164 of 1987

H.B. Kamra

Applicant

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. K. Obayya, Admn. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who is a Guard in the Railway has challenged the order dated 18.7.86 under which while implementing the orders of restructuring reservation was followed and the Scheduled Caste candidates were promoted. A representation was made on 12.2.1987 regarding assignment of seniority and promotion of general candidates vis-avis S.C/S.T. candidates. The applicant states that the order dated 18.11.1987 promoting the opposite parties as Grade grade Rs 1400-2600 is illegal and arbitrary. The order has been challenged relying on the case of Virpal Singh Chauhan's case, which in terms followed J.C. Malik's case in which the Hon'ble Supreme Court issued interim orders.

2. The respondents have opposed the application stating that they have acted in accordance with rules and the allegations made by the applicant in the application are not tenable.

3. In similar cases we have directed that the promotions be made in accordance with law and

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directions given in Vir Pal Singh Chauhan's case, though in the mean time we have made it clear that if anybody has been promoted in excess of quota, he may be adjusted and ex-cadre post may be created for the time being. That observation will also be followed in this case.

4. Application stands disposed of as above with no orders as to costs.


Adm. Member.


Vice Chairman.

Shakeel/-

Lucknow: Dated: 30.4.93.